

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Civil Action No. 5:22-cv-00350-M

THEODORE JUSTICE,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

ORDER

This matter comes before this court on the Plaintiff's motion for preliminary injunction. DE 18. Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), United States Magistrate Judge Robert T. Numbers, II issued a Memorandum and Recommendation ("M&R"), recommending that the court deny the plaintiff's motion.¹ DE 19. To date, no objections have been filed.²

A magistrate judge's recommendation carries no presumptive weight. The court "may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions." 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court "shall make a de novo determination of

¹ Judge Numbers also ordered that the case proceed following initial screening of the operative Amended Complaint pursuant to 28 U.S.C. § 1915. *See id.*

² Judge Numbers issued the M&R on May 24, 2024, and ordered that the parties file any objections within fourteen days of the date of service, which would be no later than June 10, 2024. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b)(2); Local Civil Rule 72.4(b). The parties' motions and the M&R were submitted to this court for disposition on June 12, 2024.

those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* § 636(b)(1). Absent a specific and timely objection, the court reviews only for “clear error” and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the M&R and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, Plaintiff’s motion for preliminary injunction [DE 18] is DENIED. The case will proceed in accordance with all applicable court rules and law.

SO ORDERED this 24th day of June, 2024.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE